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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,167	11/05/2003	Nancy Cam Winget	72255/00006	7272
23380	7590	12/28/2006	EXAMINER	
TUCKER, ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1414			DEBNATH, SUMAN	
			ART UNIT	PAPER NUMBER
			2196	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/28/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/702,167	WINGET ET AL.	
	Examiner	Art Unit	
	Suman Debnath	2196	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/05/03 & 01/24/05</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-24 are pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7, 9-13, 15, 17-21 and 23 are rejected under 35 U.S.C. 102(b) as being Yokote (Pub No.: 2002/0157024 A1).

4. As to claim 1, Yokote discloses a method of secure communication (FIG. 4) comprising: providing a communication implementation between at least first and second parties ([0030], lines 6-11); establishing a secure tunnel between the at least first and second parties using an encryption algorithm ([0048], lines 15-18); authenticating between the at least first and second parties over the secured tunnel ([0048], lines 13-14); provisioning secure credentials between the at least first and second parties using the secured tunnel ([0048], lines 13-14 and [0049], lines 5-8).

5. As to claim 9, Yokote discloses an implementation for enabling secure communication (FIG. 4) comprising: an implementation for enabling communication

between first and second parties ([0030], lines 6-11); an implementation for establishing a secure tunnel between the at least first and second parties using an encryption algorithm ([0048], lines 15-18); an implementation for provisioning secure credentials over the secured tunnel between the at least first and second parties ([0048], lines 13-14 and [0049], lines 5-8); an implementation for authenticating between the at least first and second parties over the secured tunnel ([0048], lines 13-14).

6. As to claim 17, Yokote discloses a computer usable medium having computer readable program code embodied therein for enabling secure communication (FIG. 4), the computer readable program code in a computer program product (Abs) comprising: instructions for communication between at least first and second parties ([0030], lines 6-11); instructions for establishing a secure tunnel between the at least first and second parties using an encryption algorithm ([0048], lines 15-18); instructions for authenticating between the at least first and second parties over the secured tunnel ([0048], lines 13-14 and [0049], lines 5-8); and instructions for provisioning secure credentials between the at least first and second parties ([0048], lines 13-14 and [0049], lines 5-8).

7. As to claims 2, 10 and 18, Yokote discloses the communication implementation between the at least first and second parties is at least one of a wired implementation (FIG. 2, item 145) and a wireless implementation (FIG. 2, item 135, [0038], lines 1-5).

8. As to claims 3,11 and 19 Yokote discloses the method wherein the encryption algorithm is an asymmetric encryption algorithm ([0051], lines 3-5).

9. As to claims 4, 12 and 20, Yokote discloses the method wherein the asymmetric encryption algorithm is used to derive a shared secret ([0051], lines 3-5), subsequently used in the step of establishing a secure tunnel ([0051], lines 5-7).

10. As to claims 5,13 and 21, Yokote discloses the method wherein the asymmetric encryption algorithm is Diffie-Hellman key exchange ([0052], lines 1-4).

11. As to claim 7, 15 and 23, Yokote discloses the method further comprising a step of provisioning a public/private key pair on one of the at least first and second parties, and then to provision that public key on the respective remaining ones of the at least first and second parties ([0048], lines 15-18 and [0052]).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 6,8,14,16,22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokote in view of Palekar et al. (US 2003/0226017 A1), hereinafter "Palekar".

14. As to claims 6,14 and 22 Yokote doesn't explicitly disclose that authenticating is performed using Microsoft MS-CHAP v2. However, Palekar discloses that authenticating is performed using Microsoft MS-CHAP v2 ([0082], lines 1-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Yokote by performing authentication using Microsoft MS-CHAP v2 in order to "a fast reconnect mechanism can be provided to allow wireless connections to be quickly resumed and to avoid service disruptions each time the mobile user connects to a different wireless access point" (Palekar, [0010] lines 2-6).

15. As to claims 8, 16 and 24, Yokote doesn't explicitly disclose the step of provisioning a public/private key pair comprises providing a server-side certificate in accordance with Public Key Infrastructure (PKI). However, Palekar discloses the step of

provisioning a public/private key pair comprises providing a server-side certificate in accordance with Public Key Infrastructure (PKI) ([0069], lines 21-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Yokote by including the step of provisioning a public/private key pair comprises providing a server-side certificate in accordance with Public Key Infrastructure (PKI) in order to "allow wireless connections to be quickly resumed and to avoid service disruptions each time the mobile user connects to a different wireless access point" (Palekar, [0010] lines 2-6).

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See accompanying PTO 892.

Alao (Pub. No.: US 2004/0034772 A1) discloses a method for accelerated data encryption using public/private key pair encryption.

Balfanz et al. (Pub. No.: US 2004/0098581 A1) discloses a method for establishing and using a secure credential infrastructure.

Swander (Pub. No.: US 2004/0049585 A1) discloses a method of sever side configuration of security parameters.

Narayanan (Pub. No.: US 2004/0148430 A1) discloses a method for establishing secure communication tunnels.

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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suman Debnath whose telephone number is 571 270 1256. The examiner can normally be reached on 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil M. El-Hady can be reached on 571 272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SD
↔

N. El-Hady
NABIL M. EL-HADY
SUPERVISORY PATENT EXAMINER